

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Wednesday, 30 November 2022
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:20] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:40] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:46] Good morning, Mr President. Good morning,
16 your Honours.
17 This is the situation in the Central African Republic, in the case of The Prosecutor
18 versus Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case reference
19 ICC-01/14-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:33:03] Thank you.
22 I think the Prosecution is unchanged or remains unchanged.
23 MS HENDERSON: [9:33:08] Good morning, Mr President, your Honours.
24 Yes, that's correct. Our composition is the same as Monday. Thank you.
25 PRESIDING JUDGE SCHMITT: [9:33:13] Well, you are more correct, the

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1 composition, of course, is unchanged.

2 Victims representatives, the same also, yeah?

3 MS MASSIDDA: [9:33:23] Good morning, Mr President, your Honours.

4 This is correct; composition of the team is unchanged.

5 PRESIDING JUDGE SCHMITT: [9:33:28] And Mr Suprun is also the same, like two
6 days ago.

7 MR SUPRUN: [9:33:33] Good morning, Mr President, your Honours.

8 Yeah, indeed, the composition of the team is the same. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:33:39] Ms Dimitri, you are so many. Actually, I
10 couldn't tell.

11 MS DIMITRI: [9:33:41] Thank you, Mr President.

12 The composition is unchanged.

13 And since I'm on my feet, Mr President, we took notice of the Chamber's order to -- of
14 this morning to remove the burgundy ribbons. I asked my team to abide by your
15 order. But if I just may say, I regret that I had to do that because your Honour had
16 previously said you had no problem with it.

17 PRESIDING JUDGE SCHMITT: [9:34:04] Well, that was -- we don't discuss this
18 further.

19 MS DIMITRI: [9:34:07] No, I understand.

20 PRESIDING JUDGE SCHMITT: [9:34:08] No, no. I stop you here immediately.
21 That was on an exceptional basis. And the order of the Chamber is clear now, and
22 we continue with the proceedings here. No further --

23 MS DIMITRI: [9:34:15] And that's what I'm saying, Mr President. We removed it,
24 but it was not political. It affects Mr Yekatom's rights and their labour rights, and I
25 am -- I regret that the institution is trying to silence them.

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1 PRESIDING JUDGE SCHMITT: [9:34:30] Well, first of all, it's not up to you or the
2 Defence in general to define what a breach of a fair trial is, so to speak, *proprio motu*.
3 It's up to the Chamber, and this Chamber has not the slightest reason to assume that
4 the fair trial rights of this accused are affected in these proceedings.
5 But your composition, please.

6 MS DIMITRI: [9:34:56] As I said, Mr President, the composition is the same.

7 PRESIDING JUDGE SCHMITT: [9:35:00] Okay.

8 Then Mr Knoops.

9 MR KNOOPS: [9:35:03] Good morning, Mr President, your Honours. Good
10 morning, everyone in the courtroom.
11 Our composition is the same with the addition of Ms Barbara Szmatala. We would
12 like to take the opportunity to extend the appreciation of the team to the Court for the
13 postponement yesterday. Mr Ngaïssona was able to slightly recover. He is not
14 feeling 100 percent. And we suggested, maybe at 11 o'clock, to evaluate the situation,
15 whether he can continue with his presence.

16 PRESIDING JUDGE SCHMITT: [9:35:28] Thank you very much, Mr Knoops.
17 First of all, we appreciate it that Mr Ngaïssona is here in the courtroom. And, of
18 course, we can evaluate again at 11 o'clock. But let me also say from -- on behalf of
19 the Chamber, that the Chamber would appreciate it a lot if we could finish the
20 testimony of this witness today, be it with Mr Ngaïssona in the courtroom or be it
21 perhaps having a waiver for one or two sessions.
22 But I don't know. If Ms Guissé is now telling us that she needs six sessions or
23 something like that, then things have changed. But let me just convey, let's say, the
24 wishes and the desires of this Chamber in that regard.

25 And then, of course, good morning, Mr Witness. I hope -- you know, there was an

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1 interruption of your testimony. I hope you had a good rest during the rest day, so to
2 speak.

3 WITNESS: CAR-OTP-P-1813 (On former oath)

4 (The witness speaks French)

5 (The witness gives evidence via video link)

6 THE WITNESS: [9:36:28](Interpretation) Good morning. I'm well.

7 PRESIDING JUDGE SCHMITT: [9:36:35] Thank you. That's good to hear.

8 Ms Guissé, you have the floor.

9 QUESTIONED BY MS GUISSÉ: (Continuing)(Interpretation)

10 Q. [9:36:51] Good morning, Mr Kouroupe-Awo.

11 THE INTERPRETER: [9:36:53] Could the judge switch off his microphone, please.

12 MS GUISSÉ: (Interpretation)

13 Q. [9:36:54] I'm going to continue with my questioning. And I still have a few

14 more questions for you today, and then my colleague will follow up thereafter. And

15 I will finish today.

16 First of all, Mr Kouroupe-Awo, I would like to note -- I would like to use your

17 knowledge of the Central African administration and your position as a former

18 high-level official to see with you the administrative procedures concerning the civil

19 status. And this is a question of particular interest to us.

20 Now, my first question for you is whether I would be right to say that the procedure

21 relating to birth certificates is governed by the code of the Central African family.

22 A. [9:37:57] The procedure of the civil status is both governed by the Family Code

23 and by former orders and texts. I don't have the reference thereto in mind at the

24 moment.

25 Q. [9:38:27] So I'm particularly interested in the family law code.

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1 With the assistance of the Registrar -- or the court officer, if we could show tab 28 of
2 the Defence, *CAR-D29-0001-0436, which is a public document. And it is the Law on
3 the Central African Family Code, Law 97.013. And I'm particularly interested in
4 0447, if that could be shown, to show article 134 of the family legal code. If it could
5 be enlarged somewhat.

6 Mr Kouroupe-Awo, can you see the document which is being shown on the screen?
7 Can you read it?

8 A. [9:39:33] If it can be zoomed in a little bit, please.

9 Now, yes.

10 Q. [9:39:43] What I'm particularly interested in -- is that good for you?

11 A. [9:39:51] Very well.

12 Q. [9:39:52] What I'm particularly interested in are the first two paragraphs. I'm
13 going to read it out at the same time:

14 "Birth declarations should be made within the month that follows the birth. When a
15 birth is not declared within a legal time frame, the civil status officer cannot put it into
16 the registers other than through a judgment issued by the *Tribunal de Grande Instance*
17 within which competence the child is born." End of quote.

18 Mr Kouroupe-Awo, would I be right to say that in the Central African Republic a lot
19 of parents do not make the declaration within the one-month time frame as provided
20 for under the law?

21 A. [9:40:50] Of course.

22 Q. [9:40:56] Would it be correct to say that the procedure provided for by 134, the
23 need when the -- the birth is not declared within the specified time frame to have
24 recourse to a judgment issued by the tribunal of *grande instance*, is that -- does that
25 have costs for the family?

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1 A. [9:41:22] Yes. Yes, it does have a cost for the family.

2 Q. [9:41:36] Would I also be right to say that, within the daily practice, people
3 would more often have baptisms in a church or in -- or a Muslim baptism rather than
4 carrying out the civil status declarations?

5 A. [9:41:53] Muslims baptisms? What do you mean by that?

6 Q. [9:42:03] I'll reformulate my question if you don't know the principle of Muslim
7 baptism, but we would agree that for people who are Catholics or Protestant, we
8 have -- or they have much more regularly baptisms within religious establishments
9 than with the civil status -- rather than making civil status declarations?

10 A. [9:42:31] Yes, of course.

11 Q. [9:42:35] Now, still on the same page, with the assistance of the court officer,
12 could we show you article 137 of the Family Code.

13 Can you see this article on the screen, Mr Kouroupe-Awo?

14 A. [9:43:03] Yes.

15 Q. [9:43:04] I'm going to read part thereof. And it's stated that:

16 "The birth declarations are made by the father, the mother, and one of the
17 descendants or the closest parents, or any other person who has assisted in the -- or
18 was present at the birth, or when the mother gave birth outside the domicile, by the
19 person at whose house she gave birth.

20 "Where it concerns births which are -- at which doctors and midwives are present,
21 then this has to be done within the timeline set by article 134 by the civil status of
22 the -- by the officer of the civil status of the place where the birth took place, and there
23 has to be an attestation which shows the information in accordance with the previous
24 article."

25 Would I understand from this text that, Mr Kouroupe-Awo - and here I would ask

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1 you to give your experience in this regard - that there were civil status officers who
2 were attached to the health centres or establishments, or that there is a system of
3 communication between the health establishments and the places of birth and the
4 civil status as well?

5 A. [9:44:22] Yes. When births are assisted in medical centres, then the midwives
6 who help the mother give birth, they refer it to the civil status services within the
7 town hall. They send a bulletin which has the information concerning the new baby.

8 Q. [9:45:15] Thank you very much for this clarification.

9 And precisely because you were speaking about this bulletin, I would like to show
10 you a document.

11 And, your Honour --

12 PRESIDING JUDGE SCHMITT: [9:45:25] Well, we recognise the wish to show the
13 document, but there is an objection or something.

14 MS HENDERSON: [9:45:31] Really, it's about more the generalities of the questions
15 so far, Mr President. For this really to be useful for the Chamber, we would need to
16 know, are we talking about the present time? Are we talking about the time that the
17 witness held his position as the *préfet* of the Lobaye? Are we talking about a
18 certain -- within his knowledge? We take that to be his region, but it's not stated.
19 At this point it's rather general, your Honour.

20 PRESIDING JUDGE SCHMITT: [9:45:56] Well, of course, Ms Guissé can find that
21 out easily. So I assume we are talking about the time when we are interested in?
22 We are not -- I'm not saying that we are not interested in the present, but with regard
23 to court proceedings, normally we are interested in events sometime in the past.

24 MS GUISSÉ: [9:46:22](Interpretation) Yes, your Honour, indeed.

25 Q. [9:46:30] I'm going to make it more specific, Mr Kouroupe-Awo. So this

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1 procedure that you've just described and which is present in the Family Code, this is
2 the procedure which is in force or was in force in 2013 and 2014 and in the previous
3 years in the Central African Republic?

4 Mr Kouroupe-Awo, perhaps I wasn't very clear in my question. Can you hear me?

5 A. [9:47:15] Yes.

6 Q. [9:47:16] I was asking you if you could clarify whether this procedure of issuing
7 declarations and birth certificates was in force in 2013 and 2014. This procedure that
8 is currently in force now, the Chamber would like to know how much time this
9 procedure has been in force for in the Central African Republic.

10 A. [9:47:45] This procedure is in force in the Central African Republic and has been
11 since civil status was instituted. And I think that was straight after colonisation,
12 after the setting up of the administration, the colonial administration, until the
13 revolution, apart from in cases where there were difficulties that were -- that arose
14 through the presence of Seleka or when there were other disturbances which would
15 prevent the midwives, or the people responsible within the hospitals - it could be
16 midwives; it could be somebody else - if they were not able to fulfil that duty.
17 And during the period of 2013, or when the Seleka arrived with the disturbances that
18 the country underwent, the civil status wasn't working well at that time. And the
19 hospital centres as well were not functioning properly. So at that time, this
20 procedure could not take place.

21 Well, perhaps it could only take place later within the tribunals, whereby they could
22 issue judgments in order to authorise the transcription to take place within the town
23 halls or local authorities.

24 Q. [9:49:31] Thank you very much for this clarification.

25 So we would agree that the Family Code and, therefore, the procedure has not

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1 changed since?

2 Perhaps I should put my question differently. It's a question, Mr Kouroupe-Awo.

3 Would you agree with me that today the family -- legal code on the family has not
4 changed, that the same procedure is applied in the Central African Republic?

5 A. [9:50:16] Yes, it is the same procedure that is followed.

6 PRESIDING JUDGE SCHMITT: [9:50:21] That took longer than expected to come to
7 the expected result, frankly speaking, Ms Guissé. Not your fault, not your fault.

8 MS GUISSÉ: [9:50:30](Interpretation) Your Honour -- your Honour, with the
9 assistance of the court officer, could we be shown -- well, a confidential document, so
10 not for the public. And this is a birth certificate at tab 30 of the Defence tab -- of the
11 Defence binder, CAR-D29-0013-0082.

12 Q. [9:51:10] Witness, this is a confidential document, so I would ask you not to
13 state the name that figures on this document. But I just wanted you to confirm
14 for the Chamber that what we can see on the screen, so a *bulletin de naissance*, a
15 birth certificate concerning an individual which mentions the date of birth of
16 13 February 1992. And the issuance of this certificate at the bottom mentions a
17 date, done in Pissa, on 29 March 1992, which is signed by the head of the centre.
18 And I would ask the court officer to go back up a bit so we can see the top of the page.
19 And we can see on this birth certificate that there is also the mention of the minister of
20 public health and social affairs. And this is the sub-centre -- the health sub-centre in
21 Pissa. And on the right there is -- it is mentioned the Central African Republic.
22 And my question is as follows: Does it correspond, to the best of your knowledge,
23 with a -- with the birth certificate that the -- that would be sent to the authorities when
24 a child was born?

25 A. [9:52:41] It is very possible.

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1 Q. [9:52:49] Where it says "Minister of Public Health and Social Affairs", by that
2 should I understand that these are forms which should be -- these are forms that need
3 to be filled in which would thereafter be issued in the form of certificates by these
4 authorities?

5 A. [9:53:13] The document as presented here mentions the health services and that
6 they are admitted.

7 Q. [9:53:39] And in order to finish on this document, when you were speaking
8 about the *bulletin* or certificate, you were talking about bulletins of this type, were you
9 not? When you used the word "*bulletin*" or certificate, you were talking about similar
10 documents, were you not?

11 A. [9:53:56] Yes. There could also be registers with pre-established bulletins, as
12 you would also get in the hospital centres where there are difficulties. Where these
13 pre-established bulletins don't exist, then you have them typed out in this way.

14 Q. [9:54:32] Thank you very much, Mr Kouroupe-Awo, for these clarifications.
15 And, court officer, you can now take this document off the screen. I would now like
16 to go back to the previous document, that is to say, *CAR-D29-0001-0436, tab 28.
17 And this is still on the page which ends 0447. And here I would like article 138 to be
18 shown from the Family Code.

19 And I'm not going to read the entire document, but this article does provide that:
20 "With the exception of the prosecutor of the republic, qualified representatives of the
21 public administration of the child, of its inheritors, of its ascendants in a direct line, of
22 the spouse, or guardian or legal representative if that person is a minor or in a state of
23 incapacity, can only obtain a conformed copy of a birth document other than their
24 own by an authorisation issued without expense by the president of the republic."
25 Do I understand from this article, does it correspond with your experience as a

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1 high-level official, that only a qualified representative and direct members of the
2 family of the child are authorised to request the issuance of a conformed copy of a
3 birth certificate? It's not that just anybody can go to the civil status and call for a
4 birth certificate. It has to be the person who is authorised there to do by article 138
5 under the Family Code; am I correct to assume that?

6 A. [9:56:54] Of course, it has to be a member of the family who is authorised to
7 present themselves to the civil status services in order to obtain a copy of the birth
8 certificate. within the framework of there being any difficulties, when -- when a
9 verification is necessary, then the person concerned who is asking for a copy is -- then
10 acts as a witness. That's done in the practice.

11 PRESIDING JUDGE SCHMITT: [9:57:40] Before we continue, there is one small
12 outstanding procedural issue. The adding of five items by the Yekatom Defence to
13 the list of materials.

14 I take it that you don't have any objections, Ms. Henderson?

15 MS HENDERSON: [9:57:53] That's correct, your Honour. We've had the
16 opportunity to look at those and -- especially with the day off from the hearing
17 yesterday, that's -- there is no objection to that.

18 PRESIDING JUDGE SCHMITT: [9:58:01] Fine. So the request is granted.
19 Please continue.

20 MS GUISSÉ: [9:58:09](Interpretation)

21 Q. [9:58:10] Just by way of clarification, Mr Kouroupe-Awo, with regard to the civil
22 status register, would you agree that when you had the civil status register, normally
23 the births are noted down as the declarations come in, and there is a specific number
24 attributed to them for each birth and for each birth certificate; is that how it works?

25 A. [9:58:39] Yes, that is how it works.

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1 Q. [9:58:48] Now, still on the same document, but this time looking at page -- the
2 page which ends at 0450. I would like us to be able to see article 169 of the Family
3 Code which provides, among other points -- and I'm going to wait for the document
4 to be shown on the screen before quoting it.

5 Article 169 of the Family Code states as follows: "That any copy of a civil status
6 document must rigorously conform to the original of the certificate. It must
7 furthermore bear every marginal notification that figures on the register." End of
8 quote.

9 Now, could you confirm that a -- any document, there is a number, would you agree
10 that when a copy is issued of the civil status document or certificate, that it's the same
11 number which has to be reproduced on the copy of the birth certificate in question?

12 A. [10:00:13] Yes. The copy must bear the mentioning of the initials which are on
13 the document or certificate which is issued.

14 Q. [10:00:30] Another question. To your knowledge, is it possible to issue several
15 original birth certificates? Or is there only one such original, and then you have
16 copies of the birth certificate? Could you please clarify this issue.

17 PRESIDING JUDGE SCHMITT: [10:00:49] Ms Henderson.

18 MS HENDERSON: [10:00:53] Mr President, we have let it go for a little bit now, but
19 there really hasn't been any basis set out for how this witness would have knowledge
20 of the issuing of these -- of these acts. He is being asked to confirm things that, in
21 our submission, are rather clear on the face of the document. We don't have
22 objection to the document being shown per se, but he is not a lawyer who is able to
23 interpret what is there and to inform the Court on that.

24 PRESIDING JUDGE SCHMITT: [10:01:20] Well, I disagree here. Actually, one can
25 at least imagine what the relevance of this line of questioning would be, so there is no

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1 problem with that.

2 Secondly, we have a very high -- a witness who had a very high administrative
3 position, and it's -- actually, it's also not far-fetched to say that he might have
4 knowledge from his work and from the background of his position on that. So I
5 disagree.

6 Please continue.

7 MS GUISSÉ: [10:01:53](Interpretation) Thank you.

8 And I would add to what you have just said, that the reason I'm asking this line of
9 question is because Mr Kouroupe-Awo has told us about the chain of authorities,
10 administrative authorities, and he mentioned the mayors, who are directly
11 responsible for the civil status. And this is why I shall continue.

12 PRESIDING JUDGE SCHMITT: [10:02:17] However, when you simply want to
13 introduce what is in the code, it would be more than enough to bring this via the bar
14 table motion. Then we will take note of it. If, of course, like you did, you want to
15 know if this -- what is set down here was also practiced, that's okay. You can ask the
16 witness that. But you don't have to read out actually certain passages of the code.
17 You could even say that this is common knowledge, the code. I don't even know
18 if -- I would not even be sure if it would be needed to present it via the bar table. But
19 please continue. But you understand my point.

20 So we don't need to be reminded what is in the code. But if you want to ask the
21 witness, "Well, was the practice exactly like it is laid down, for example, in article X,"
22 then it's fine.

23 MS GUISSÉ: [10:03:17](Interpretation) I take good note of your observation,
24 Mr President.

25 Q. [10:03:23] So my question, because before I was interrupted, was as follows: Is

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1 it possible to issue several original birth certificates, or is there only one such original,
2 and then one can obtain copies of such birth certificate?

3 A. [10:03:47] Yes, only one original is issued, and then it is extracts or duplicates,
4 copies that can be issued.

5 Q. [10:04:01] Thank you for this clarification.

6 I would like now to deal with another point. The day before yesterday, in the
7 transcript T-180, at about 15:20 you said that the village or district chiefs were the
8 local representatives of the administration.

9 Do you know if they can issue documents about the identity of their citizens or issue
10 statements recognising this identity?

11 A. [10:04:51] The village or neighbourhood chiefs hold village registries or journals
12 in which they register all the events that take place in the village; births, deaths, and
13 any other event that is of interest to the life of the village.

14 They can also make statements that can then be used by town halls about citizens
15 who reside in the villages and for how long, this by way of information for the town
16 registry who could use this information for the issuance of documents.

17 Q. [10:06:12] Still on the same document, I would like to turn to page *0451 to see
18 article 179. This article is about judgments for the modification and amendment of
19 the civil registry. And it is mentioned that when it is needed to rectify the absence of
20 a birth certificate, am I right to say that a judgment is necessary in order to create a
21 birth certificate that was not declared in -- in the time frame provided for?

22 A. [10:07:18] I recall that there are one or two orders that authorise town halls to
23 issue these complementary judgments. What I do not know is whether there is a
24 later text that has modified this. And I think there were one or two orders that
25 authorised town halls to recognise that births took place and a time frame was

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1 indicated in those orders. So births that had been declared before such-or-such year,
2 but I can't remember exactly what the time frame was.

3 Q. [10:08:31] Thank you for this clarification.

4 Do we agree that this was a derogation to the general rule, i.e., that there should be a
5 tribunal decision? So this was an exception.

6 A. [10:08:50] Yes.

7 Q. [10:09:04] And finally on this issue, do you recall when this exceptional
8 procedure was authorised?

9 A. [10:09:09] Well, I've just said, there was an indicative period. I can't really
10 remember. It may have been births that had not been declared before 1969. It's
11 something of the sort. But this can be checked. There are references about these
12 texts. So it is possible to check it.

13 Q. [10:09:50] Thank you for these valuable information.

14 And we see article 180, and we see that when there has been a modification or
15 creation of a birth certificate through a judgment or a legal decision, this judgment
16 must also be transcribed on the civil registries; is that correct?

17 A. [10:10:23] Of course.

18 Q. [10:10:26] So you confirm this. Can you also confirm - and we are now going
19 to move to page 0452 to see article 191 - that this procedure to create a birth certificate,
20 and that needs to be transcribed on the civil registry, the same applies when there is a
21 modification, an amendment of the civil status, once again, a tribunal has to be
22 involved and this modification has to be transcribed in the civil registries.

23 A. [10:11:19] Yes, I confirm.

24 Q. [10:11:27] And finally, regarding the death of a person, when a death certificate
25 is issued, is this death also transcribed on the civil status registry?

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1 A. [10:11:50] That is the procedure.

2 Q. [10:11:54] That's the procedure. Now, I would like to know from you what
3 happened in practice. This procedure of mentioning death, is it quite current that
4 people, families don't apply it in Africa?

5 Excuse me, sir. There is an objection from the OTP.

6 PRESIDING JUDGE SCHMITT: [10:12:18] Ms Henderson.

7 MS HENDERSON: [10:12:21] The question remains very general, your Honour.

8 PRESIDING JUDGE SCHMITT: [10:12:22] Yes. Yeah --

9 MS HENDERSON: [10:12:22] It's been asked in terms of Central African Republic.

10 PRESIDING JUDGE SCHMITT: [10:12:28] Yes.

11 So do you know -- Mr Witness, do you know of any incidents where this procedure
12 was not followed?

13 THE WITNESS: [10:12:45](Interpretation) This procedure is not often followed by
14 the family. And families very often do not ask for a death certificate for the
15 members of their families -- of the family who has passed away. There's many
16 instances of non-respecting the procedure.

17 MS GUISSÉ: [10:13:18](Interpretation)

18 Q. [10:13:18] Am I right to say that a mayor who issues another original birth
19 certificate without a procedure with a tribunal is not complying with the procedure?

20 A. [10:13:43] This is in breach of the procedure.

21 Q. [10:13:52] And finally, do we agree to say that issuing civil status certificates is
22 part of the jurisdiction of each town and city, and a mayor in Pissa cannot issue a
23 birth certificate for somebody who was born in Bimbo? Is that how it happens?

24 A. [10:14:23] That would be forbidden.

25 Q. [10:14:34] Now I would like to move to another topic. I shall come back to

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1 birth certificates later on, but first I would like to come back to the NGO

2 *Enfants Sans Frontières*.

3 In your second statement, you were asked a number of questions about this NGO,

4 and in paragraph 12, and you confirmed it here, you said that you had attended a

5 ceremony in Mbaïki. In your statement, you talked about the director of

6 *Enfants Sans Frontières*, but you did not mention his name. Am I right to say that this

7 is Mr Brice Kevin Kakpayen?

8 A. [10:15:32] That is correct. That is him.

9 Q. [10:15:41] I understood that you have been in contact with other people in ESF,

10 at least one of them, and I would like to know if the name of Kevin Mborolo means

11 something to you. He was the head of the Lobaye office of ESF.

12 A. [10:16:05] At this date, to date, I really do not have any recollection of this name.

13 Q. [10:16:18] At paragraph 18 of your second statement, you said that you did not

14 take part in the negotiation between the Anti-Balaka and *Enfants Sans Frontières*, but

15 you learned that ESF had received funds, but you did not know where they came

16 from.

17 A. [10:16:38] Yes.

18 Q. [10:16:39] I know you didn't have details, but my question is: Do you know

19 what were the criteria for obtaining funds for ESF, and did they need to have a

20 minimum number of children to be included in the programme? Is this an

21 information that you received due to your position?

22 A. [10:17:01] All these details are unknown to me, because NGOs negotiate their

23 funding with the planning department and with the partners. So at the time, a

24 number of NGOs, both national and foreign, came to Mbaïki for also some activities.

25 However, we did not ask them to present their agreement and their statutes. It was

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1 not quite appropriate at the time. And anything people could do to limit the damage
2 was welcomed. And personally, as a prefect, I did not insist on these procedures. I
3 wanted to have results to satisfy the needs of the population and to help the
4 community in order to avoid all sorts of unpleasantness that could be suffered by the
5 population. And this is why I did not insist.

6 I said that I had not received the terms of reference. There were none. However,
7 the presence of this NGO in Mbaïki was enough because it helped and it brought
8 some assistance. And that's how things happen. And I was not insistent on
9 receiving documents.

10 Q. [10:19:30] On Monday, at 14:45, you said that ESF was in touch with the director
11 of the social centre. Could you tell us what social centre you were talking about and
12 what was the name of the director.

13 A. [10:19:46] The social centre is a decentralised service of the social affairs
14 department. Locally, there was a representative of the prefecture and another
15 representative of the sub-prefecture. To date, and to my knowledge, the prefecture
16 representative is now deceased. I cannot remember his name, let alone the name of
17 the representative of the sub-prefecture.

18 Q. [10:20:50] Thank you for this clarification.

19 Do you know if the people in charge of *Enfants Sans Frontières* had checked the
20 identity of the children who were registered in the programme?

21 A. [10:21:08] As I said earlier on, I was not involved in all the procedures that led to
22 that operation. What I think is that the NGO *Enfants Sans Frontières* carries out its
23 activities in compliance with its statutory text and in compliance with the national
24 legislation. There is an act that governs NGOs in the Central African Republic.
25 And I am convinced that reports were produced. I am convinced that the

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1 *Enfants Sans Frontières* NGO was able to negotiate funds with a number of
2 organisations while complying with the procedure, the required procedure.

3 I cannot know exactly how this operation was carried out upstream before the final
4 ceremony that gathered all the children in order to prepare them to go back to their
5 biological families. I do not know these details.

6 Q. [10:22:58] From your answer, I understand that you were never approached by
7 *Enfants Sans Frontières* regarding a training that they wanted to organise for
8 representatives of the prefecture, sub-prefecture and town halls, regarding how to
9 protect children.

10 A. [10:23:26] The NGO *Enfants Sans Frontières*, through its representatives, had
11 carried out a number of activities within the prefecture jurisdiction. I think that the
12 question of the training of some people who are responsible on that particular topic
13 could be part of the array of actions that had been carried out. Today I do not
14 remember exactly all those activities. I just know that my attention had been drawn
15 to the ceremony that had been organised in Mbaïki at the social centre in order to
16 present the children that had been recovered from the Anti-Balaka armed group, in
17 order to prepare them for their reintegration and gathering with their families.

18 Q. [10:25:00] Were you able to discuss with the mayor of Pissa or other mayors
19 regarding the role they played in the enrolment of children by this NGO? Had you
20 been able to discuss with them?

21 A. [10:25:31] I knew more or less that *Enfants Sans Frontières* had gathered children
22 from the village of Pissa or from villages of the commune of Pissa and maybe Mbata.
23 This is the information that I knew more or less. Regarding any discussion with the
24 mayor of Pissa regarding this operation, my answer is no.

25 Q. [10:26:19] I have a number of documents that I would like to present to you and

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1 ask you to comment.

2 But, Mr President, I would like to go in -- to go to private session because these
3 documents are confidential.

4 PRESIDING JUDGE SCHMITT: [10:26:39] Well, then let's go to private session.

5 (Private session at 10.27 a.m.)

6 THE COURT OFFICER: [10:27:10] We are in private session, Mr President.

7 MS GUISSÉ: [10:27:16](Interpretation)

8 Q. [10:27:18] Mr Witness, we are in private session now. I would like to display
9 on screen the document at tab 41 of the Defence folder, CAR-OTP-2135-2412,
10 page 2416.

11 Sir, do you see the document on your screen?

12 A. [10:27:59] Not yet. Yes.

13 Q. [10:28:02] I would like you to read the title "*Déclaration relative à l'identité*",
14 "Statement about identity", and "I, the undersigned, (Redacted)
15 (Redacted), states that (Redacted) date of birth -- could we maybe scroll down so that
16 you can see the end of the page.

17 So the statement is that she is (Redacted)

18 (Redacted)

19 And we can scroll down, please.

20 And this was done in Pissa on 4 April 2019. And we see the seal of the chief of the
21 commune of Pissa (Redacted)

22 So, first question: Do you know this chief of village, (Redacted), who signed this
23 statement?

24 A. [10:29:23] Personally, no. He can be chief of village in Pissa, but I do not know
25 him personally.

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1 Q. [10:29:44] When you were talking about documents that could be issued by
2 chiefs of villages, were you mentioning -- were you thinking of this type of document,
3 about the identity of somebody? Is that the type of document you were mentioning
4 earlier on when you said that chiefs of villages could send elements to the civil
5 registry or elsewhere?

6 A. [10:30:17] The chief of a village can state or certify that one of its citizens that is
7 mentioned by name resides in his village.

8 Regarding giving some information, such as the year of birth, I have doubts about it
9 because what would be the basis of such a statement by the chief? How could he
10 give this information regarding the year of birth? Chiefs of villages throughout the
11 territory of the Central African Republic have difficulties in keeping archives, i.e., the
12 village registries, where all the events are registered; births, deaths and other. So I
13 have doubts.

14 PRESIDING JUDGE SCHMITT: [10:31:47] Yeah, Ms Guissé, would it not have been
15 possible, without mentioning the name, to discuss this in open session? Of course,
16 it's clear why -- if you mention the name, it has to be of course in closed session. But
17 I think, also with regard to further documents, if you are not asking specifically the
18 witness if he knows this person, I think we can do it in open session. Yeah?

19 MS GUISSÉ: [10:32:17](Interpretation) Indeed, your Honour. I was just trying to
20 continue as I did before. I was taking an abundance of caution there. But if I have
21 that latitude, then I certainly will proceed differently and amend the questions that
22 I'm answering without mentioning that.

23 PRESIDING JUDGE SCHMITT: [10:32:36] Okay. Then open session.

24 (Open session at 10.32 a.m.)

25 THE COURT OFFICER: [10:32:53] We are back in open session, Mr President.

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1 MS GUISSÉ: [10:33:02](Interpretation)

2 Q. [10:33:02] I have another document to show you. And once again, we are in
3 open session, Mr Kouroupe-Awo. So I'm going to try to not mention names, but
4 quite simply to continue to have you comment on the document without giving any
5 names.

6 And this time, it's a confidential document, not to be disseminated to the public. It's
7 at tab 40 of the Defence binder, CAR-OTP-2135-250 -- 2405, and this is at the page
8 which finishes 2410.

9 I would put the same question as I did for the previous document. Firstly, can you
10 see the document on the screen?

11 A. [10:34:12] Yes.

12 Q. [10:34:14] So you can see that on this attestation of recognition concerning the
13 person whose name I will not say publicly, but you can see that this same chief or
14 head of the village -- it's entitled "Attestation of Recognition", and it gives the *alleged
15 date of birth of the person, name of the father, the name of the mother, and thereafter,
16 it gives the residence as being the commune of Pissa. This is a document which is
17 dated 27 March 2019. And there is also the stamp of the commune of Pissa,
18 Mokotamba neighbourhood.

19 So just a question with regards to the identity we mentioned a moment ago. Is it the
20 fact that this type of document is the one you were referring to when you mentioned
21 that the *chef de quartier* would be able to give a document that the person lives in their
22 neighbourhood?

23 A. [10:35:33] I think that this village chief would have gone a bit beyond that
24 person's limit by attesting that the person indicated here resides in Pissa. Residing
25 in Pissa, that should be attested to by the mayor of the commune through a residence

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1 certificate. The chief of the village or village chief could -- could attest that a person
2 is resident in his neighbourhood, but where it concerns the commune, that is the
3 competence of the mayor of the commune to do that. So it would be a certificate of
4 residence that would be issued in that case.

5 Q. [10:36:51] Thank you very much for these clarifications.

6 Do I understand it correctly that the attestations issued by *chefs de quartiers*, or the
7 neighbourhood chiefs, didn't have administrative value which was very strong
8 compared to the attestations of residence which would be issued by the commune or
9 local authority?

10 A. [10:37:12] Yes.

11 Q. [10:37:16] And you would also be in agreement with me that if a person wanted
12 to justify their identity or civil status, they had to carry out the procedure with the
13 civil status registry or ask for an identity card, would they not?

14 A. [10:37:37] That's correct.

15 Q. [10:37:41] Could you explain what the steps are to obtain an identity card in the
16 Central African Republic. Do you address yourself to the *préfecture* and what
17 document has to be provided?

18 A. [10:38:08] A very long time ago, the national identity cards were issued to the
19 police commissioners, to their commissariats. So each -- wherever there was a
20 commissariat, police office, or commissariat, in each locality which was authorised to
21 carry out such an operation -- it would be authorised to carry out such an operation.
22 Now, for approximately ten years, if not a bit longer, the national identity cards are
23 issued at -- by the capital, because there are services -- not services, but there are
24 individuals who have the appropriate equipment, and they are authorised to edit
25 these national cards, these national identity cards on the basis of information which is

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1 provided by the police stations or commissariats. Whenever a citizen who is an
2 adult by way of age wants to have such a document, a national identity card
3 document issued, then that person takes his original birth certificate, the legalised
4 copied thereof, and that person goes to the relevant service which has him fill in a
5 form, the requisite form, and he then presents -- the requester, that is, presents both
6 the certificate of nationality, a legalised copy thereof, and the costs are thereafter paid.
7 And when all this documentation is put together, the competent services checks the
8 authenticity of these items, and afterwards declares them as admissible. It puts the
9 dossier together and sends it to the service which issues the ID cards.
10 And in the second phase, a new checking is carried out because during the second
11 phase, the dossier can be rejected if on the second verification they note that there are
12 anomalies with regards to the documentation. And if the documentation is declared
13 as being good and proper, then it can pass to the physical issuance of the ID card itself.
14 When the person's card is drafted, then it is sent to the police services, which then
15 sent the -- which sent the dossier to the mission centre. And at that time, the
16 national edited identity card is provided to the requester with the original birth
17 certificate and the original nationality certificate as well.
18 So the dossier aren't sent to the prefecture but directly to the police stations or
19 commissariats.

20 Q. [10:42:57] Thank you very much for these clarifications.

21 I would now like to go to the documents that we have, certain birth certificates which
22 were provided by an Office of the Prosecution investigator. And for the attention of
23 the Chamber and the parties, I'm referring to the Defence tab 46 where you have the
24 investigative report. That's tab 47 of the Defence binder with these documents, and
25 then I will review these different documents one by one. By way of reference --

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1 PRESIDING JUDGE SCHMITT: [10:43:32] Ms Guissé, if you claim that the witness
2 has concrete knowledge about the documents you want to present to him, it's fine. If
3 not, it's simply a document you present, you submit, and they are in and that's it.
4 You have established, let's say, what could be -- what could influence the probative
5 value of any such document with this witness. We don't go through any of these
6 documents if -- in case you say, the Defence says, one of the documents must -- or the
7 persons therein mentioned might be known by the witness, then we have no problem.
8 But, otherwise, it's absolutely enough if you put them on the bar table, you submit
9 them, and they will be -- and I can already say that they will be let in.

10 MS GUISSÉ: [10:44:30](Interpretation) In fact, your Honour, what I wanted to do
11 with the witness, I don't know if he particularly knows the persons that it's about, but
12 there are references on the birth certificates which are different to the references that
13 were found on the registers -- the civil status registers. And I would like him at least
14 to be able to comment on these distinctions with regard to the references on the
15 documents in question.

16 PRESIDING JUDGE SCHMITT: [10:45:01] That we would allow, of course, I would
17 say, but please try to be quick here. You can simply -- you know, he has it on the
18 screen, and then you tell him, "Anything peculiar there or anything out of order?"
19 Please, we can do it this way. Yeah, okay.

20 THE COURT OFFICER: [10:45:19] Your Honours, we do not have tab 47.

21 PRESIDING JUDGE SCHMITT: [10:45:22] Indeed, that would have been the next
22 thing by me. Mine finishes at 41.

23 MS GUISSÉ: [10:45:34](Interpretation) Oh, I thought I spoke about tab 46. 46.

24 PRESIDING JUDGE SCHMITT: [10:45:40] When it ends at 41, we also do not
25 have 46.

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- 1 MS GUISSÉ: [10:45:47](Interpretation) I think that these are additional elements.
2 It's an error on our part.
- 3 PRESIDING JUDGE SCHMITT: [10:45:55] No problem. That can happen.
- 4 MS GUISSÉ: [10:45:57](Interpretation) These are documents which were added.
5 Perhaps we forget -- forgot to give it to you.
6 But, the court officer, I believe you have them in electronic form, do you not?
- 7 PRESIDING JUDGE SCHMITT: [10:46:13] If I may say, if I had had it, I would
8 have -- of course, an investigative report is something different what you presented to
9 the witness, but I did not have it, could not see it.
10 Please continue and be, well, as I said, as concise as possible.
- 11 MS GUISSÉ: [10:46:34](Interpretation) I note that it's somewhat fastidious, but what
12 I'm trying to do is to make sure that it's clear for purposes of the transcript. So I
13 know that it's not really going to go at the usual speed, but I'm trying to make sure
14 there aren't any difficulties hereafter.
- 15 Q. [10:46:54] Sir, I was just referring to the document which is at tab 46.
16 I don't intend to show it to the witness, but for the purposes of the transcript, I would
17 like to mention the reference of this investigative report. CAR-OTP-2126-0385.
18 I would now like for there to be -- for the document to be shown, which is at tab 45 of
19 the Defence binder, CAR-OTP-2126-0416. This is a confidential document.
20 This is a birth certificate of the Pissa civil status about a person of the commune of
21 Pissa. It's about a person that I'm not going to mention.
22 First of all, Mr Kouroupe-Awo, we would be in agreement that this is or this does
23 correspond with a birth certificate with the number 86/03.
24 If we could go down in the document, it concerns a person -- not too much, not too far
25 down, that is.

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1 It indicates that this person was born on 5 July 2003, and the parents are mentioned.

2 Does this correspond to a usual birth certificate? That's the first question.

3 And the second question is, are we in agreement that the number 86/03 is a number
4 that would normally be in the civil status register of the commune of Pissa
5 corresponding with this birth certificate?

6 Could we perhaps show the number at the top on the right. We can see 86/03.

7 Can you see birth certificate 86/03?

8 A. [10:49:37] Yes. At first sight, it would seem to be a falsified document, or a
9 document which was not really produced by Pissa commune.

10 PRESIDING JUDGE SCHMITT: [10:50:03] May I ask you why you think so,
11 Mr Witness? Could you elaborate, please, a little bit.

12 THE WITNESS: [10:50:19](Interpretation) Yes. First of all, the seal of the tribunal at
13 the top, the seal of the tribunal or the stamp of the tribunal, already this gives me the
14 impression that it is not really the seal of an administration of justice. There is
15 already that point.

16 Furthermore, the civil status centre of 2000 -- you've got "05-07-2003". In practice,
17 that was not done in this way, with "the 5th of July of the year 2003", and then -- this
18 is something which I would have doubts about.

19 There are two colours, the black and the blue. I don't know if at the end -- if you
20 could go back up.

21 In the birth certificate, if I can check. Just a bit -- oh, sorry, if you could go down so I
22 can look at the signature, please, to see if mention was also made with regard to the
23 different use of colours.

24 This reference here, the colours, different colours is not there. And that means to me
25 this document was not made by the recognised service, civil status service of the town

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1 hall of Pissa. And this reference -- well, it means that it wasn't the mayor -- the town
2 hall of Pissa that the status -- because there should be a mention of the different
3 colours that were used at the end of the document, but it's not there.

4 MS GUISSÉ: [10:52:33](Interpretation)

5 Q. [10:52:33] Thank you very much for this clarification.

6 I'm going now going to show you a different document, and this is confidential as
7 well. And this is at tab 34, CAR-D29-0013-0140. And it is a photograph of the
8 register of the birth certificates in Pissa. And the first question -- of the town hall of
9 Pissa. And can you see it on the screen? Does it correspond with the appearance of
10 the register that there is in Lobaye commune, to the best of your knowledge?

11 A. [10:53:26] Yes. This is an old register which is covered in dust. If it has
12 information about the years relevant hereto, then it's possible it's one of the registers
13 which was held by the Pissa town hall and it is in the archives of the town hall.

14 Q. [10:53:59] This is -- if we could now go to the next page, 0141. And in this
15 register, we went to find the birth certificate 86-03, because we've got the reference to
16 the previous one. And would you agree with me that, normally, if we go to the
17 register of the commune with a number on the birth certificate, normally, at the same
18 number, as you see on the screen now, 86-03, you should have the reference to the
19 same person concerned by the birth certificate. And you can see on this screen, this
20 is a photograph of the register which is in the commune of Pissa, and you can see a
21 different name to that mentioned on the birth certificate which you considered to be
22 dubious previously. And you can see the name of another person, another child,
23 which is concerned here, with different parents.

24 Does that support your position a moment ago, namely, that the birth certificate with
25 both colours seemed to you to be dubious?

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1 A. [10:55:29] Yes. This one seems to me to be authentic.

2 Q. [10:55:37] I would now like us to go on to another document, and that's at tab 43
3 in the Defence binder, CAR-OTP-2126-0414. And this is still a birth certificate,
4 apparently delivered by the civil status centre of Pissa commune, and this has the
5 number 58 --

6 PRESIDING JUDGE SCHMITT: [10:56:12] No problems with that. It's obviously
7 potentially relevant. But if you conduct the same thing, I think we can do it after the
8 coffee break because it would take a little bit. So we will have a meaningful coffee
9 break.

10 And, Mr Knoops, we perhaps hear from you about how your client feels and how we
11 can continue.

12 Thank you very much. 11.30.

13 THE COURT USHER: [10:56:42] All rise.

14 (Recess taken at 10.56 a.m.)

15 (Upon resuming in open session at 11.33 a.m.)

16 THE COURT USHER: [11:33:06] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [11:33:24] Mr Knoops, perhaps you give us a short
19 update. We have already been informed. So what I have understood, please
20 correct me if I'm wrong, is that we -- that at some point in time, Mr Ngaïssona will be
21 escorted out of the courtroom. I think perhaps for that we can make a short break.

22 And that with regard to the questioning by Ms Guissé, there would be a waiver.

23 And when it comes to Ms Casiez, you would prefer that your client be present. Is
24 that understood correctly?

25 MR KNOOPS: [11:34:00] It's very well summarised, Mr President. Unfortunately,

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1 the medical officer of the Court advised strongly that Mr Ngaïssona returns because
2 his blood pressure is quite dangerous right now. He's been tested yesterday. It's
3 not COVID. It's something else. And in order to take no risk, he has to go back.

4 PRESIDING JUDGE SCHMITT: [11:34:27] Absolutely. No, we have not a problem
5 with that. It's also understandable with the differentiation between the questioning
6 of Ms Guissé and Ms Casiez. So let's put it this way: We finish today with
7 Ms Guissé and hope we can continue tomorrow then with Ms Casiez.

8 MR KNOOPS: [11:34:45] I can inform the Court tonight, after speaking with
9 Mr Ngaïssona and the staff of the detention centre, what the position is. Preferably,
10 Mr Ngaïssona would like to attend the second part of the examination by the team of
11 Mr Yekatom. If he is not well tonight and the medical officer advises not to be here
12 tomorrow, I can again evaluate with Mr Ngaïssona his position, whether he is willing
13 to waive his right, preferably not, but if it would assist the Court and everyone in the
14 courtroom that we finish the witness. Of course, Mr Ngaïssona has also interests to
15 proceed.

16 PRESIDING JUDGE SCHMITT: [11:35:27] Let me put it this way: This is -- of
17 course, the waiver is totally up to you and your client, specifically. And I know that,
18 in principle, you might -- or your client might also be affected. However, I think
19 from the evidence we have heard already by this witness, you can simply ponder
20 with your client if it would not be possible anyway even to agree to be not present in
21 case he does not feel better when Ms Casiez is questioning.

22 So let's continue now with Ms Guissé, please.

23 Do you have an idea of when you can finish today?

24 MS GUISSÉ: [11:36:14](Interpretation) Ideally, I would like to finish within the next
25 30 minutes. I'm going to go through a number of documents. And then I will have

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1 nearly finished my questions. That's ideally.

2 PRESIDING JUDGE SCHMITT: [11:36:38] Fine. Okay. Good.

3 MS GUISSÉ: [11:36:42](Interpretation)

4 Q. [11:36:42] Mr Kouroupe-Awo, we were talking about some documents. I was

5 going to show you another one. However, I would like to come back to something

6 you said before the break when I showed you the birth certificate, not the registry, the

7 birth certificate.

8 It is the document at tab 45, CAR-OTP-2126-0416. And it is still confidential.

9 And regarding this document, you said that the stamp did not seem to be correct or

10 genuine. Could you explain what doesn't look right in this stamp.

11 A. [11:37:55] I was talking about the stamp of the tribunal, the one that is at the top.

12 Yes, that one.

13 Usually, the prosecutor of the tribunal puts a stamp in order to authenticate each page

14 of the register of birth, of the birth certificate. So the quality of this stamp is dubious,

15 and this is why I mentioned it.

16 Q. [11:38:45] I would like to come back as well on document in tab *34,

17 *CAR-D29-0013-0140, i.e., a picture of the register of the commune of Pissa. And you

18 said that this register looks like what you know. On this register, we see a mention

19 in two colours. And yet when you looked at the birth certificate earlier on, when

20 there are two colours, it should be mentioned, and yet on this register, I -- there

21 doesn't seem to be such a mention about two colours.

22 So is there a different procedure when we are talking about a single-sheet birth

23 certificate and a register?

24 A. [11:40:00] In the past, municipalities that did not have a civil register established

25 birth certificates on single sheets. But for a few years now, municipalities have to

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1 establish civil status registers that have to be encoded and signed by the judge of the
2 tribunal and bearing the stamp or the seal of the tribunal.

3 Q. [11:40:43] Could we maybe see the next page, 139.

4 Sorry, it's the wrong document. I apologise. It's the document,
5 CAR-D29-0013-0141.

6 We can see this page on the screen. When you talk about the signature, are we
7 talking about the signature that we see on the top right of this birth certificate? I see
8 something that looks like a signature. Is that what you mean when you say "*paraphe*",
9 initials --

10 A. [11:42:08] This birth certificate 086/03 can be a birth certificate that has been
11 issued or filled in before the time when tribunal judges could put their initials on the
12 register. This one may have been issued before that.

13 However, nowadays in all the town halls, all the birth registers that have to be used
14 must have been presented to the tribunal, and each page must have a quote and the
15 initials of the judge, and must carry the stamp, must be stamped by the tribunal.

16 On this one, it seems that the mayor obtained this register without presenting it to the
17 tribunal so that it could have a quote and the initials of the judge of the tribunal. It is
18 possible. But I have to say that very often it is the judge, either the president of the
19 tribunal, or the prosecutor who can verify and -- verify the registers, the civil registers
20 in the town halls.

21 When I was the inspector of the territory, I inspected the town hall of Pissa. My
22 inspection was about the documents that were produced by all the town halls and a
23 number of observations were made in this regard. However, if this is a recent
24 document, then I think that the mayor has not complied with something. The initials
25 that are at the top can be the initials of the commune -- the municipality's secretary or

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1 another secretary, because there is a general secretary and the civil status secretary.

2 So when this certificate is filled in, the *chef du bureau* of the civil registry can put his

3 initial to prove that he has had access to the information, and then the general

4 secretary of the town hall checks again and puts his initials so that the mayor or the

5 head of the civil registry can sign.

6 So to make sure that things have been done correctly, we need to have those initials of

7 those two secretaries. So this act, if it doesn't have the stamp from the tribunal, we

8 should need to check why such a stamp is not on this document.

9 MS GUISSÉ: [11:45:43](Interpretation) Mr President, could I have a minute to
10 consult my colleagues before I continue?

11 PRESIDING JUDGE SCHMITT: [11:45:47] Of course. Between 30 seconds and a
12 minute. No, I'm joking. You have a minute, of course.

13 (Counsel confers)

14 MS GUISSÉ: [11:46:25](Interpretation)

15 Q. [11:46:30] Last question - and sorry for keeping you waiting - the number that
16 we have here, 086/03, 03 is the year of birth, isn't it? Because I see the date of 6 May
17 2003. So when you talk about the references 086/03, so it's 086 and then 03 is the
18 year.

19 A. [11:47:05] Of course. Of course.

20 Q. [11:47:10] This statement says that the father is Beninga Jean-Claude Didier.
21 Do you know him? Because he is apparently the civil status secretary. Do you
22 know him?

23 A. [11:47:36] I remember I collaborated with a young man in Pissa who -- whose
24 name was Beninga. He was the head of the youth. So whether he was the secretary
25 of the municipality, I can say that no. Maybe before, but I doubt it. It could be a

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1 member of his family. I don't know.

2 Q. [11:48:10] Thank you for these clarifications.

3 I would like to move on and have another document. Bear with me, please.

4 PRESIDING JUDGE SCHMITT: [11:48:27] So perhaps -- may I shortly.

5 Just to make it absolutely clear, Mr Witness, a certain number, like this number 86 out
6 of 2003 we have now identified, is reserved for only one person. It is not possible
7 that for two different persons the same number is given out. Is that a correct
8 understanding?

9 THE WITNESS: [11:49:04](Interpretation) This number cannot be attributed to two
10 different people. It is a chronological reference, and it is therefore attributed to each
11 declaration or statement chronologically.

12 PRESIDING JUDGE SCHMITT: [11:49:20] And also only to be absolutely sure and
13 for the record, we have seen several documents where different -- obviously different
14 colours meaning different pens were used. What is the explanation for that? From
15 your experience, why would there be in the same document different colours,
16 different pencils be used?

17 THE WITNESS: [11:49:58](Interpretation) It is possible that different colours,
18 different pens might have been used. When the mayor, the civil status officer is well
19 trained, he would then mention the fact that several colours were used, provided he is
20 well trained. But when the person is not well trained, quite naturally, these colours
21 may have been used. And if it is a genuine document, then the document is valid.

22 PRESIDING JUDGE SCHMITT: [11:50:38] I think that was mentioned already in
23 passing, but still, I wanted to have it absolutely clear on the record.

24 Please continue, Ms Guissé.

25 MS GUISSÉ: [11:50:49](Interpretation)

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1 Q. [11:50:51] Sir, I would like to move to another document on tab 43 of the
2 Defence folder, document CAR-OTP-2126-0414. And it is still a confidential
3 document. This document is still part of the same batch that was given to the
4 investigators of the OTP by a witness. And this is a birth certificate with the
5 reference 58/98 regarding somebody whose name we can see, but I am not going to
6 mention it. We have the same stamp as the one you mentioned earlier on.
7 And could we see -- could we scroll down to see the end of the document, the bottom
8 of the page.

9 And here again we see the stamp of the commune of Pissa.

10 Before I put to you my question, I would like to show you a second time. Once
11 again, it's a picture of the register -- the birth register and the reference is tab 43,
12 CAR-D29-0013-0138, on page 0139.

13 THE INTERPRETER: [11:52:52] And the tab was 33, says the interpreter.

14 MS GUISSÉ: [11:52:55](Interpretation)

15 Q. [11:52:55] And we have this picture about the document. I can't see it on screen,
16 so probably you can't see it either. I shall therefore ask you to bear with us.
17 So it's the following page that I'm interested in. It's page 139.

18 Here it is. Here we have the picture of the original document in the register of the
19 town hall of Pissa, and the name is different from the birth certificate that we have
20 just seen that had another name. And I'm not going to mention that name. But we
21 can see that there is a stamp with a different colour from the one we have on the birth
22 certificate. Is this a stamp -- I think I read "*Tribunal de Grand Instance*". Is this the
23 stamp that you know when you said that the documents had to bear the stamp and
24 the initials of the tribunal?

25 A. [11:54:27] On this birth certificate, I see a code, but I can't see the stamp. If it's a

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1 code, it might have been put down by the tribunal. It depends on *the period. The
2 judge or the prosecutor, they may have decided to codify this judgment in such a way.
3 But that's a code that was drafted by the tribunal, if it has not been forged.
4 On the other document, you saw the time of birth. Here you see 22 hours and 35
5 minutes. It's totally valid.
6 On the other one, I saw 16-04 and then another figure.
7 The way these birth certificates are filled in has to be rigorous. In a rather elaborate
8 way, usually, the secretary -- the civil status secretary is asked to properly fill in those
9 birth certificates. And it all depends on the level of the civil status secretary who is
10 filling in the document.
11 But here I would say that it was not done rigorously.
12 But the first document is not genuine. This one, with its code, could be accepted or
13 recognised.
14 PRESIDING JUDGE SCHMITT: [11:56:31] Court officer, could you please scroll it
15 down to the end. I would just have a look there. Yeah.
16 Mr Witness, also on all the other documents, there appears this name, like you -- if
17 you look here. Does the name Roger Okoa-Penguia ring a bell? This stamp is on all
18 these documents. Does this name ring a bell, Roger Okoa-Penguia?
19 THE WITNESS: [11:57:10](Interpretation) Yes. Roger Okoa-Penguia is the
20 president of the special delegation within the commune of Pissa. The day before
21 yesterday, I said that he had been there for nearly 30 years. It's the same person, and
22 that is his name. The signature looks indeed like the signature of this mayor. It
23 might be that the court -- or the certificates that seem dubious could have been part of
24 an ad hoc register. I don't know whether it's the staff of the town hall or the mayor
25 who would use this register in parallel. When it's dubious, it could be the case.

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1 And in several communes, you can find this type of -- of things, or it could be that
2 third parties published some registers of their own accord and use them to their own
3 benefit. So they issue certificates *for their own benefit. It could be third parties.
4 It could be staff of the town hall. It could even be the mayor. But this needs to be
5 proven. Because in several municipalities, we realised that there were such ad hoc
6 registers, registers used by mayors for their own benefit.
7 But that's what I can say, Roger Okoa-Penguia is the mayor of the commune of Pissa
8 and he is still the mayor.

9 PRESIDING JUDGE SCHMITT: [11:59:22] Thank you, Mr Witness.

10 MS GUISSÉ: [11:59:28](Interpretation)

11 Q. [11:59:30] I would like to scroll back up.

12 Sir, I'm sorry. I used the wrong name. But you said you could not see the stamp of
13 the tribunal.

14 A. [11:59:54] Yes. But the code that is there could be the code of the tribunal, the
15 figures that you can see at the top.

16 Q. [12:00:04] I don't know if it's because you don't see it properly, but when it says
17 "*Acte de Naissance*" on the left-hand side, you see a red stamp. Can you see it on your
18 screen? Because I can see it. Can you see this round seal in red that's at the level of
19 where it says "*Acte de Naissance*"?

20 A. [12:00:42] Yes, I can see it.

21 Q. [12:00:43] And for the transcript, do we agree that when you say "registration
22 number" or "codification", it is the black figures that we see on the right of "*ville de*"?
23 Here we see black figures that seem to be printed on the page, on this birth certificate.
24 Are those the figures you are talking about when you talk about a code?

25 A. [12:01:15] Yes, that is correct.

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1 Q. [12:01:24] Could we withdraw this document. I would like to move to another
2 document. At tab 42.

3 I'm sorry. For a minute, Mr President.

4 Sorry. So I will go back to tab 42 of the Defence binder, CAR-OTP-2126-0413. This
5 is a birth certificate also provided by the same witness to the Office of the Prosecutor.
6 Can you see it on the screen?

7 A. [12:02:39] No, not yet. Yes.

8 Q. [12:02:43] Can you see the number 47/96, and there is the same blue stamp that
9 you indicated as being dubious on the other birth certificates. It's still a birth
10 certificate concerning the town of Pissa, and it's the same surname as on the other
11 birth certificates communicated by the same witness.

12 So I would like us to be able to look at the bottom of the page of this document. And
13 you can still see the reference there of the -- to the name of the special delegation, the
14 name of the mayor, with the stamp of the officer of civil status.

15 I would now like to show you a second document. I'm sorry. Could we show the
16 document on the screen. I forgot to ask the witness to check the name. So, tab 42.
17 Without saying who it is, but you will see the name of the person concerned, or
18 supposedly concerned by this birth certificate.

19 Now, I would like to show you a second document. That's at tab 31 of the Defence
20 binder, CAR-D29-0013-0084. And the title there that appears on the page is "A copy
21 or duplicate of birth certificate 74/81". 81, yes. And it concerns this person whose
22 name I'm not going to mention.

23 And my first question with regard to this document is: Now, you stated a moment
24 ago that only one original was issued and when you returned in order to have -- well,
25 you could return to the registry in order to have a copy or a duplicate thereof. Now,

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1 with regards to the best of your knowledge of the administration, this duplicate is
2 presented in the form that you can see here, duplicate of a birth certificate 74/81.

3 A. [12:05:52] In practice, the reference to "*duplicata*" is put with a stamp. In this
4 specific case, it could be the case that the commune preferred to edit or draft a register
5 of duplicate in order to issue it on request, but it could be the case that it might have
6 gone through the judge of the tribunal in order for it to be initialed and codified, but
7 that's not the state here. I see no mention of the tribunal here. So this is perhaps a
8 parallel document, parallel register, maybe maintained by the mayor or the assistant
9 to the mayor or other persons kept for -- or other officials and kept for certain
10 personal reasons. So other officials of the commune.

11 Q. [12:07:15] Now, with regards to this document, you can see that the date of birth
12 is put as 25 July 1981. And I would like us to go down a bit further in the document
13 and then we can see by going a bit further down therein, if we could go down to the
14 stamp and the end of the document. And there you can see still the stamp of the
15 commune of Pissa. And this is the duplicate that was obtained by this person.
16 Now, I would like to look at a third document with you. This document is at tab 35
17 of the Defence binder, CAR-D29-0015-0010. Can you see the document on the
18 screen?

19 A. [12:08:25] Yes.

20 Q. [12:08:26] This is an identity card with -- in the name of the same person whose
21 duplicate certificate we saw. It mentions his surname, first name, date of birth, 25
22 July 1981, and on this ID card, it also indicates that it was issued on 11 March 2010.
23 It is somewhat damaged. I think it's a bit worn. But my first question with regard
24 to this document is: Does it correspond with the identity cards which were issued in
25 the 2010s in the Central African Republic?

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1 A. [12:09:21] It's difficult for me to certify that. But the identity cards did have
2 that form.

3 PRESIDING JUDGE SCHMITT: [12:09:35] With regard to all these documents, if we
4 put them together, that there are, let me word it cautiously, some peculiarities, I think
5 this is obvious. You don't have to ask the witness about that. I mean from the text,
6 if we compare the two different texts, I mean that.

7 MS GUISSÉ: [12:10:04](Interpretation) I'm finished with this document and I would
8 now like to --

9 Q. [12:10:09] Please excuse me. I didn't show you the second page. Perhaps it
10 will help you to confirm this. And this is the back, page 0011. It finishes with 0011,
11 and this is the back of the photograph of this -- photograph of the back of this ID card.
12 And can you say that the back of this card corresponds with the same form of the
13 identity card that you would get in the year 2010? We have seen the front now. We
14 are looking at the back.

15 A. [12:10:50] I think it corresponds with that.

16 Q. [12:10:52] Thank you.

17 I now turn towards my colleague, your Honour, and your -- I would -- turning
18 towards the President and Madam Prosecutor, I would now like to go into the list of
19 child soldiers, and I don't know if I can address that in open session or in private
20 session. I have three names to be mentioned. So I have to say I don't know how to
21 proceed.

22 PRESIDING JUDGE SCHMITT: [12:11:31] I assume that if you need the names to be
23 mentioned, we should do that in private session. Yeah, then we do that.

24 Go to private session.

25 (Private session at 12.11 p.m.)

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1 THE COURT OFFICER: [12:11:54] We are in private session, Mr President.

2 MS GUISSÉ: [12:11:58](Interpretation) Thank you, your Honour.

3 I note that I've gone beyond my envisaged time frame, but I would like to say that I'm
4 coming to the end.

5 Q. [12:12:11] So, Mr Kouroupe-Awo, I have -- no, I haven't been able to keep to my
6 promises with regard to the time, but I'm coming to the end now.

7 Now, I would like us to go to tab 39 of the Defence binder, CAR-OTP-2071-0279.

8 And before going into the list, I would like to know if within the framework of your
9 exchanges with ESF - I just want to ensure myself of this - did you never see a list of
10 child soldiers who allegedly were part of Mr Yekatom's group within your exchanges
11 with ESF? Did you ever have a list of child soldiers?

12 A. [12:13:08] Never, at all.

13 Q. [12:13:12] For the purposes of the transcript, I just want to mention different
14 names about which I will have questions that I need to put, and perhaps it will make
15 it possible to go into open session afterwards.

16 So I will ask you different questions in relation to -- firstly, on page 279 which is on
17 the screen. Perhaps we can zoom in. I don't know if you can see it. Well, I am
18 going to ask questions on (Redacted) the list; namely, (Redacted)
19 (Redacted)

20 I will also ask you questions with regards to (Redacted) the same page. With
21 regards to (Redacted), I'll ask you questions linked to certain documents.

22 And afterwards, on page 280, the next page, (Redacted) on the list, (Redacted),
23 (Redacted)

24 And afterwards, on the next page (Redacted)

25 So, once again, Mr Kouroupe-Awo, I'm not going to ask you if you know the people.

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1 Unless you obviously know them, you can answer. But there are documents that I
2 would like to comment on with regards to them.

3 Now, before going into this issue, would I be right to say that you do not know if all
4 the children in the programme, in the ESF programme were really child soldiers,
5 whether you never had the occasion to carry out any kind of verification or
6 investigation at that level?

7 A. [12:15:37] I did not know. Because sometimes it would be the case that there
8 would be relatives or parents knowing that it was an NGO that was coming to get
9 *so-called child soldiers with a view to perhaps giving them education, to train them,
10 and perhaps at the end there might be a certain support. So parents could ask
11 for -- from the NGOs -- they can make arrangements with the NGOs such that their
12 children also be inserted, and that could happen. So I cannot certify that they were
13 all child soldiers in the accused's team.

14 PRESIDING JUDGE SCHMITT: [12:16:41] Mr Witness, may I ask you, did you
15 recognise any of the names on the list that were mentioned by Ms Guissé, by counsel?
16 I repeat them (Redacted)
17 (Redacted)

18 THE WITNESS: [12:17:16](Interpretation) These names come from one of the spoken
19 languages in the prefecture, and in particular, Mbaïki sub-prefecture, from the Mbaka
20 ethnic group.

21 Now, those who have those names, I don't know them.

22 PRESIDING JUDGE SCHMITT: [12:17:43] So then my suggestion would be, I
23 understand a similar procedure, you have documents, and if we don't mention the
24 names, we can discuss this in open session. Yeah?

25 MS GUISSÉ: [12:17:56](Interpretation) Before going into open session, I just have

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1 one point to clarify.

2 PRESIDING JUDGE SCHMITT: [12:18:00] Okay. Yeah.

3 MS GUISSÉ: [12:18:07](Interpretation)

4 Q. [12:18:07] Do you know Banda locality, and do you remember the name of the
5 neighbourhood chief, knowing that the -- for the attention of the parties and the
6 Chamber, we have a witness, P-2475, who said in the hearing, which had the
7 transcript at around midday, T-131, said that (Redacted) were -- that they were never
8 child soldiers. And it was said about (Redacted), and they were integrated into the
9 ESF programme.

10 (Redacted), was that the name of the *chef de localité* of Banda?

11 A. [12:19:07] Firstly, the village Banda, I didn't know in which commune it's in. Is
12 it in Mbaïki? Is it in Pissa? Is it in Ombella M'Poko? Because I read the name
13 there. The copy that was presented mentions Bangui neighbourhoods, Banda
14 neighbourhood. I don't know.

15 Q. [12:19:43] Okay.

16 PRESIDING JUDGE SCHMITT: [12:19:45] Open session? Well, open session. Or
17 not.

18 Ms. Henderson?

19 MS HENDERSON: [12:19:49] What I'm about to say can be said in open session.

20 But perhaps it can -- if we can stay where we are now because it does relate to the
21 question.

22 Your Honour, it might be preemptive because I know that the question has already
23 passed now, but in our submission, the form of this question, that is, to put to this
24 witness "another witness in these proceedings has said such-and-such", and then to
25 ask that witness -- to go and ask the witness a question, should not be permitted.

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1 Of course, it can be the content of what a witness said can be simply put to the
2 witness, "Would you agree with this or would you agree with that", but to actually
3 state to the witness that another witness has made that proposition in court,
4 your Honours, is not permissible, in our humble submission.

5 PRESIDING JUDGE SCHMITT: [12:20:39] It might be different if the witness that we
6 have in the courtroom has said out of his own, let's say, in his testimony something
7 and a witness that has already come to this Court might have had something -- said
8 something different, then we have established that.

9 I also would prefer it -- with regard to the specific situation that Ms. Henderson
10 describes, I also would prefer it this way. And it actually doesn't matter for your
11 questioning, I think. And then we have documents, of course. And with regard of
12 the -- well, he is not -- let's say, not formally speaking an expert, but, of course, he has
13 some knowledge that other people would not have, then we put it in the same way
14 like we did before to the witness.

15 Open session.

16 MS GUISSÉ: [12:21:35](Interpretation) I well recognise that my formulation was not
17 good, but perhaps -- the witness said that the name wasn't familiar to him. I just
18 wanted to recall it for the transcript. But perhaps if it had been in a different context,
19 I should have put it differently. I certainly agree with the Prosecutor on that.

20 PRESIDING JUDGE SCHMITT: [12:21:56] I think, just -- you understand what the
21 difference is? The difference is when you have a witness who says "A", for example,
22 to make it simple, and we had another witness who had said "B", then you might
23 say -- might ask, "Mr Witness, but we had a witness who said something different."
24 And the witness could say -- but when there is no such thing, so, let me say, out of
25 blue asking the witness to comment on something what other witness has said, I

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1 agree with Ms Henderson.

2 MS HENDERSON: [12:22:26] Your Honours, it's a supplementary point as well. I

3 hesitate to take more time, but it's the use of the term "child soldier" in question.

4 And particularly when a witness is put that another witness had a certain

5 characterisation of a person was or was not a child soldier. This is a legal conclusion,

6 your Honour. It's a matter of functions. It's a matter of age. There are many

7 components to that.

8 So, in our submission, the question would need to be put more precisely in terms of

9 what the Defence is wanting to elicit, rather than going to the ultimate fact of whether

10 a person is or is not a child soldier.

11 PRESIDING JUDGE SCHMITT: [12:23:02] That is, strictly speaking, correct, what

12 you are saying, of course. But there are some expressions who have, let's say, a

13 general meaning, after all these years, so to speak, a general meaning in the opinion of

14 people. But, nevertheless, it is still a legal concept. And specifically for the party

15 who wants to elicit something in that regard, it would be beneficial to know what a

16 witness is concretely speaking of, what his understanding of the term "child soldier"

17 might be. Could be also a person who was simply young and wore a weapon. And

18 it could be a person 17 years old, for example. I understand your point, yeah.

19 Open session, finally.

20 (Open session at 12.24 p.m.)

21 THE COURT OFFICER: [12:24:11] We are back in open session, Mr President.

22 MS GUISSÉ: [12:24:26](Interpretation)

23 Q. [12:24:31] In order to extend the discussion, Mr Kouroupe-Awo, when it comes

24 to the people in charge of ESF that you met, you explained that legally a child soldier

25 was under the age of 15.

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1 A. [12:24:46] What I said a moment ago, as I said a moment ago, I did not have a
2 discussion, a serious discussion or any serious information with regards to the way in
3 which this operation of taking the children, alleged child soldiers, out, having
4 belonged to the group of the accused here, should be done.

5 If I addressed the ceremony which was organised in Mbaïki during which so-called
6 child soldiers had been presented by ESF, *Enfants Sans Frontières*, then I would say
7 that I was called upon by the president of this NGO to come to the ceremony,
8 certainly, as far as the president was concerned, with a view to making this ceremony
9 there a solemn occasion. With regards to the details of it, that's something I didn't
10 know. But the discussion which took place or the discussions that were carried out
11 by the NGO *Enfants Sans Frontières*, ESF, *Enfants Sans Frontières*, with the -- in charge
12 of the Balaka group, in order to carry out the activity, to get the children out, that was
13 never told -- talked about to me in detail.

14 Q. [12:26:53] I would now like us to be shown tab 30 in the Defence binder,
15 confidential, CAR-D29-0013-0082. And for the record, this concerns the person who
16 is number 16 on the list of child soldiers. It is indicated on this list that this person
17 was allegedly 18 at the time that that person joined the ESF programme. And this is
18 the document that you saw a moment ago.

19 Mr Kouroupe-Awo, which is on the screen. It is the birth certificate issued by the
20 health sub-centre of Pissa. And there, as we saw a moment ago, it is a birth which is
21 mentioned for 3 February 1992, which means that 2013, this person was already 21.
22 Now, Mr Kouroupe-Awo, do you know about this? Please, could you answer
23 within the ESF programme, were there people aged over 15 who joined the
24 programme?

25 A. [12:28:39] Yes. I have no doubt that young people aged under 15 joined the

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1 programme. And I told you, I said a moment ago that certain families could be
2 interested in this programme because of the support that could come from it, the
3 support of partners which could be given at the end of the operation, which could be
4 to the profit of their children. That was possible.

5 Certainly with the complicity of the representative of this NGO, *Enfants Sans*
6 *Frontières*, ESF.

7 MS DIMITRI: [12:29:40] Mr President.

8 PRESIDING JUDGE SCHMITT: [12:29:40] Yes.

9 MS DIMITRI: [12:29:41] Just for the record, because I know you want us to avoid the
10 burdensome procedure by email, the witness said at page 59, line 19, "*des jeunes de*
11 *plus de 15 ans*", and it was interpreted by "under 15", which is the opposite.

12 PRESIDING JUDGE SCHMITT: [12:30:01] Yeah.

13 MS DIMITRI: [12:30:02] At line 13.

14 PRESIDING JUDGE SCHMITT: [12:30:03] Well, yeah, that's correct, of course. We
15 understood it -- I understood it correctly.

16 MS GUISSÉ: [12:30:16](Interpretation) Court officer, could you now take us to
17 another document, and this document is at tab 39 of the Defence binder,

18 CAR-OTP-2071-0279. And that is the page that ends in 280. And this is the person
19 at number 46 on the list of child soldiers.

20 I'm sorry. I've got the wrong document. I'm getting tired. I'm sorry, court officer.

21 PRESIDING JUDGE SCHMITT: [12:31:15] This is the complete list at tab 39.

22 MS GUISSÉ: [12:31:20](Interpretation)

23 Yes, I'm sorry. It's time I came to the end of my interrogation.

24 We are talking about tab 36, CAR-D29-0015-0033.

25 Q. [12:31:59] It is a national ID card of the person that we are not going to name in

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1 public, but I would like you to have a look at it. And it has the date of birth, 4

2 August 1995. And I would like to see both sides of this ID card.

3 So the following page is 0034.

4 So my first question about this document is: Do we agree that these are the new

5 format of ID cards? We see that it was issued on 28 June 2022. To your knowledge,

6 is that the new format of ID cards issued by the Central African Republic?

7 A. [12:32:47] 2022? I have not yet had access to the new national identity cards,

8 because I myself use a passport, and I have not asked yet for a new ID card.

9 Therefore, I cannot certify that this card is the new ID card that we have started

10 issuing very recently. That I cannot confirm.

11 Q. [12:33:27] Thank you very much for this clarification.

12 And we appreciate the fact that you talk only about things that you know of.

13 In any case, for the record, the date, the birth date, 4 August 1995, means that in 2013,

14 this person was 18 years of age.

15 And I have finished with this document.

16 I would now like to move to another document, but if you don't know the new format

17 of ID cards, it might not mean much to you. We are talking this time about

18 document 52 of the list. That's it. 52 of the list, documents at tab

19 CAR-OTP-0271-0279. Oh, it's again the number of the list. Sorry, sorry. It's

20 document at tab 27 of the Defence folder, CAR-D29-0001-0430. And I'm pleased to

21 announce that this is the last document.

22 So this was something that was given to the Defence team regarding a requested

23 document about the person who is number 52 on the list. And I would like to move

24 to page 433. This is what we have received, a copy of the IT interface, i.e., the

25 documents, the elements that were given for the issuing of the ID card to this person.

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1 And the first question is: Do you know these IT interfaces, and do you know if it is
2 through this system that the information is captured on the ministry's website in
3 order to deliver or to issue ID cards?

4 A. [12:36:34] I'm a former officer of the territory department, which is no longer
5 part of the home ministry. And I am no longer active. I am retired. I have been
6 retired for two years. Therefore, I have not been in contact with that type of
7 information.

8 PRESIDING JUDGE SCHMITT: [12:37:02] But, nevertheless, we take note on the
9 date of birth that is mentioned here. And you obviously, if I have seen it
10 correctly -- perhaps it's of importance where you obtained it from. And that is on
11 CAR-D - and I only spell out the end - 0430 and 0431.

12 MS GUISSÉ: [12:37:31](Interpretation) Indeed. And for the record, the date of birth
13 mentioned is 2 September 1994, which means that this person was age 19 in 2013.
14 And this is the last of my documents.

15 Q. [12:37:54] And now I end my questioning. Thank you very much for the
16 technical assistance you have provided.

17 I would like to conclude on one thing you have mentioned, something you said on
18 Monday, T-180, at 10:33, you said, and I quote: "NGOs were competing for action
19 during the difficult times" that your country had gone through. And a few minutes
20 ago you said that programmes put in place by NGOs were considered as
21 opportunities by the population, some families who were trying to find solutions for
22 their children.

23 And my last question is as follows: As a prefect, were you made aware of families or
24 individuals who benefited from programmes of various NGOs of Lobaye in order to
25 benefit from opportunities, even though they did not meet the criteria of these NGOs?

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1 A. [12:39:21] I had some information about some NGOs. Every time that some
2 target people could benefit from the content of the actions undertaken, some families
3 would complain, telling us that they should be the one benefiting from some benefits
4 offered by NGOs because they were the victims, direct victims, or they were
5 concerned more directly than other people who had registered and who were on the
6 list of beneficiaries. And several complaints of this type were made by some families,
7 and several times there have been objections. And some heads of some NGOs had
8 been named as being those who tried to play in favour of some people and to the
9 detriment of others.

10 Q. [12:41:03] And my last question: Given those complaints that you have
11 received, was *Enfants Sans Frontières*, the NGO *Enfants Sans Frontières*, was it
12 mentioned?

13 A. [12:41:25] *Enfants Sans Frontières* is part of the NGOs that some people
14 complained about because some children of some families had been privileged and
15 benefited at the detriment of others. And I have been made aware of this.

16 Q. [12:41:56] Mr Kouroupe-Awo, thank you very much for your patience. It was
17 much longer than planned. And this is the end of my interrogation.

18 PRESIDING JUDGE SCHMITT: [12:42:05] Thank you, Ms Guissé. No problem, of
19 course.

20 I would like to inquire, like always - and I'm addressing, Ms Casiez - do you know
21 already how long your examination might last? Don't be too optimistic, but also not
22 too pessimistic, please.

23 MS CASIEZ: [12:42:30] It's a difficult question. I would like to say three sessions,
24 but it could be four. So I don't want to be too optimistic saying that we will finish
25 tomorrow.

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1 PRESIDING JUDGE SCHMITT: [12:42:38] So then we have, of course, the problem
2 how to continue. We have -- of course, we have the uncertainty what's going to
3 happen tomorrow anyway. But then we have the next witness, P-1823. I have in
4 mind somehow that, I think it was Ms Dimitri said we could finish this witness in one
5 day. Really?

6 MS DIMITRI: [12:43:03] Thank you, Mr President.

7 I inquired with Mr Vanderpuye, I think yesterday, or the day before yesterday.

8 Based on the statement, we won't -- I think, and I don't want to be too optimistic, but I
9 think we -- on our part, we can do it in one session. Now, of course, it all depends
10 on what unfolds during the examination-in-chief. I think it's Mr Scaliotti. I'm not
11 sure. But -- no. I'm wrong. Okay.

12 So it all depends on the length and what comes out of the examination because it will
13 of course have to be added, but I think we can work out this witness in one day.

14 PRESIDING JUDGE SCHMITT: [12:43:43] Okay. Good.

15 So let's take it at that. Mr Scaliotti or -- and/or Mr Vanderpuye will convey to
16 whomever is going to question this witness that we aim to finish this witness, next
17 witness, on Friday then.

18 And this also means we aim, Ms Casiez, Ms Dimitri, to finish Mr Kouroupe-Awo
19 tomorrow. If need be, perhaps with a -- let's say, we make a prolonged afternoon
20 session or a -- yeah, but we at least try it. And, of course, this is all under the
21 precondition, what's happening with the accused.

22 And, as I said, Mr Knoops, perhaps as quickly as possible we can have additional
23 information, would be good. And in case it would be better for your client to stay in
24 the detention centre, you can ponder a waiver, but we would of course appreciate it
25 much more if it would be possible that Mr Ngaïssona could follow here in the

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1 courtroom tomorrow.

2 There is also potentially the possibility to follow from the detention centre via video

3 link, but this would have to be clarified also with the medical staff and things like that.

4 But I don't want to make it too complicated. Understood?

5 Then we have to finish for today, I understand. We agreed on that. And we

6 reconvene tomorrow at 9.30, and hope very much that we can finish your

7 examination tomorrow. So we see each other then.

8 THE COURT USHER: [12:45:27] All rise.

9 (The hearing ends in open session at 12.45 p.m.)